

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

John M. Alexander, III,

Plaintiff(s),

vs.

State of Ohio, et al.,

Defendant(s)

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Case Number: 1:16cv1139

Judge Susan J. Dlott

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on December 21, 2016 a Report and Recommendation (Doc. 4). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 7).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.

Accordingly, plaintiff's claims against defendant State of Ohio are DISMISSED with prejudice pursuant to 28 U.S.C. §§1915(e)(2)(B) and 1915A(b)(1). The complaint is also DISMISSED as to the Ohio Department of Rehabilitation and Correction ("ODRC") to the extent that plaintiff seeks to name the ODRC as a defendant in this action.

Plaintiff may proceed with his Eighth Amendment excessive force claims against defendants Vance, Fisher, and Jones. Having found that plaintiff's remaining claims fail to state a claim upon which relief may be granted, these claims may be DISMISSED.

IT IS SO ORDERED.

s/Susan J. Dlott
Judge Susan J. Dlott
United States District Court